No. 200100131

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

California Planting Cotton Seed Distributors

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE LABELED BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

COTTON

'Acala BXN Nova'

In Testimony Whereof, *I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-fifth day of August, in the year two thousand and five.*

Attest:

Commissioner
Plant Variety Protection
Agricultural Marketing

Secretary of Agriculture

200100131

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) *(as it is to appear on the Certificate)*
California Planting Cotton Seed Distributors

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
CPCSD Acala C-181

3. VARIETY NAME
Acala BXN Nova

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
PO Box 80357
Bakersfield, CA 93380-0357

5. TELEPHONE *(include area code)*
661-399-1400

6. FAX *(include area code)*
661-399-3169

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PVPO NUMBER 200100131

FILING DATE: March 12, 2001

7. GENUS AND SPECIES NAME
Gossypium hirsutum L.

8. FAMILY NAME *(Botanical)*
Malvaceae

9. CROP KIND NAME *(Common name)*
Acala Cotton

FEES RECEIVED
FILING AND EXAMINATION FEE: $ 2705
DATE March 12, 2001
CERTIFICATION FEE: $ 432.00
DATE AUG. 15, 2003

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.) (Common name)*
Corporation

11. IF INCORPORATED, GIVE STATE OF INCORPORATION
California

12. DATE OF INCORPORATION
May 13, 1936

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
Mr. Bill Van Skike
PO Box 80357
Bakersfield, CA 93380-0357

Dr. Stephen R. Oakley
30597 Jack Avenue
Shafter, CA 93263

14. TELEPHONE *(include area code)*
661-746-3366

15. FAX *(include area code)*
661-746-6905

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(Follow instructions on reverse)*

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of the Variety
d. ☒ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownership
f. ☒ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☒ Filing and Examination Fee ($2,460), made payable to "Treasurer of the United States" *(Mail to PVPO)*

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☒ YES *(If "yes," answer items 18 and 19 below)* ☐ NO *(If "no," go to item 20)*

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☒ NO

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
☐ YES *(If "yes," give names of countries and dates)* ☒ NO

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT *(Owner(s))*	NAME *(Please print or type)*	CAPACITY OR TITLE	DATE
William W. Van Skike	William W. Van Skike	President	28 Feb 2001
Stephen R. Oakley	Stephen R. Oakley	Director of Research	28 Feb 2001

200100131

Exhibit A. Origin and Breeding History of Acala BXN Nova.

Acala BXN Nova was developed by the backcross (BC) breeding method in an effort to develop a variety of BXN, or Buctril® tolerant, Acala Maxxa. Acala Maxxa is currently the most widely planted cotton variety in California, while the BXN trait allows foliar applications of the Aventis herbicide Buctril® to control problem broadleaf weeds such as nightshade and morning glory. The combination of Acala Maxxa and the BXN trait would provide an important tool for San Joaquin Valley (SJV) cotton growers to deal with some difficult weed species.

This breeding effort began in 1995 by crossing Stoneville BXN57 with Acala Maxxa to produce the F1 progeny which was then backcrossed with Maxxa as the recurrent parent. Acala Maxxa is protected under PVP certificate number 9000168 issued to the California Planting Cotton Seed Distributors, while Stoneville BXN 57 is protected under PVP application number 9500139 filed by the Stoneville Pedigreed Seed Company, Inc. This BC process was repeated four times, to produce a BC4F1 population with a minimum homozygosity level of 94% for the recurrent parent (Acala Maxxa). The BC4F1 population was selfed, treated with Buctril®, and selected for recurrent parent phenotype for two generations to produce a BC4F3 population. The Buctril tolerant characteristic of Acala BXN Nova is a genetic trait so the possibility of outcrossing and mechanical contamination may affect the genetic purity of this variety. To ensure genetic purity of the BXN trait every plant in every generation of this program was treated with a foliar application of Buctril® 4EC herbicide to screen out and remove susceptibles, or non-BXN individuals. The varietal genetic purity for the BXN transgene in Acala BXN Nova exceeds 99%.

In 1997 the BC4F3 population was planted in the SJV, and individual plants were selected and grown as plant rows in winter nursery 1997-98. In 1998 plant rows again tested for BXN genetic purity, and selected for recurrent parent type, were bulk harvested for winter increase in 1998-99 and this seed became the basis for CPCSD C-181 seed production and testing in 1999.

CPCSD C-181 was entered into the San Joaquin Valley Cotton Board (SJVCB) testing program in 1998 and continued through the 2000 season. It is anticipated that CPCSD C-181 will be approved by the SJVCB in March, 2001. CPCSD C-181 has been renamed Acala BXN Nova for commercial reproduction, and marketing began in 2000.

During evaluation the frequency and occurrence of variants has been too low for meaningful measurement and Acala BXN Nova has been uniform and stable

200100131

Exhibit A. Origin and Breeding History of Acala BXN Nova.

Year	Activity
1995	Cross: Acala Maxxa X Stoneville BXN 57.
1995-96	Backcrossing with Acala Maxxa (recurrent parent) to produce BC4F1.
1996	Selfing to produce BC4F3.
1997-98	Plant selections, evaluation, screening and seed increase.
1998	Entered into SJVCB testing program as CPCSD C-181.
1999	Continued in SJVCB testing program as CPCSD C-181.
2000	Continued in SJVCB testing program as CPCSD C-181. Marketing of CPCSD C-181 as Acala BXN Nova.
2001	Anticipated release of Acala BXN Nova by SJVCB in March, 2001.

Exhibit B. Statement of Distinctness of Acala BXN Nova.

Acala BXN Nova is the first Buctril® tolerant Acala variety that has been bred and adapted for the San Joaquin Valley of California, and it may provide an economic benefit to producers as an alternative technology to deal with difficult broadleaf weed species.

Acala BXN Nova is tolerant of foliar applications of the herbicide Buctril® while Acala Maxxa is highly susceptible (Table 1.). Comparisons between Acala Maxxa and Acala BXN Nova (C-181) show that these two varieties are similar in yield, plant, and fiber traits (Table 2), but differ in yarn strength and Verticillium wilt tolerance.

Acala BXN Nova is clearly a distinct cotton variety, compared with Acala Maxxa, because its of Buctril® herbicide tolerance and slightly lower yarn strength and Verticillium wilt tolerance.

Table 1. CPCSD 1998: Effect of Buctril Herbicide on Plant Stands

Variety	Percent Survival
Maxxa	0.6
BXN Nova	99.7
LSD.05	4.2
CV%	8.8

Table 2. SJVCB 1998-99: Yield, Plant and Fiber Traits

Variety	Lint Yield (lbs/A)	Fiber Length (inches)	Fiber Strength (g/tex)	Mic	22's Yarn Strength (g/tex)	Plant Height (inches)	Vert Wilt Score*
Maxxa	1263	1.18	24.5	4.23	147	39	20
BXN Nova	1282	1.18	23.7	4.29	140	39	26
LSD.05	ns	ns	ns	ns	4	ns	4

*% Verticillium wilt defoliation on Oct 1st

20010013

EXHIBIT C
(COTTON)

U.S. DEPARTMENT OF AGRICULTURE
PLANT VARIETY PROTECTION OFFICE, AMS, USDA
NATIONAL AGRICULTURAL LIBRARY Bldg., Rm. 500
10301 BALTIMORE Blvd.
BELTSVILLE, MD 20705

OBJECTIVE DESCRIPTION OF VARIETY
COTTON (*Gossypium* spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME
California Planting Cotton Seed Distributors	CPCSD Acala C-181	Acala BXN Nova

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)

PO Box 80357
Bakersfield, CA 93380-0357

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PVPO NUMBER
20010013

Place the appropriate data that describes the varietal characteristic of this variety in the space provided. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characters marked with an asterisk * indicate necessary characters to be measured.

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Variety 1. Acala Maxxa Variety 2. _____ Variety 3 _____

*1. SPECIES:

X *G. hirsutum* L. _____ *G. barbadense* L.

*2. AREA(S) OF ADAPTATION: (A = Adapted, NA = Not Adapted, NT = Not Tested)

___Eastern	___Delta	___Central	___Blacklands
___Plains	___Western	___Arizona	X San Joaquin
___Other (Specify): _____			

3. GENERAL: Characteristics which are known to be variable but are still useful for a meaningful description of the variety.

	Acala BXN Nova Application Variety	Acala Maxxa Comparison Variety 1	Comparison Variety 2	Comparison Variety 3
Plant Habit: Spreading, Intermediate, Compact	I	I		
Foliage: Sparse, Intermediate, Dense	I	I		
Stem Lodging: Lodging, Intermediate, Erect	E	E		
Fruiting Branch: Clustered, Short, Normal	N	N		
Growth: Determinate, Intermediate, Indeterminate	Intermediate	Intermediate		
Leaf Color: Greenish yellow, Light green, Medium green, Dark green	MG	MG		

3. GENERAL: (continued)	Acala BXN Nova	Acala Maxxa		
Boll Shape: Length less than width, Length equal to width, Length more than width	more	more		
Boll Breadth: Broadest at base, Broadest at middle	middle	middle		
*4. MATURITY: (50 % Open bolls; Preferred method; Describe method if different method was used.)	% Open on Oct. 1			
Date of 50 % open bolls	40	40		
5. PLANT:				
Cm to 1st Fruiting Branch: (from cotyledonary node)	15.5	15.4		
No. of Nodes to 1st Fruiting Branch: (excluding cotyledonary node)	5.5	5.2		
Mature Plant Height cm: (from cotyledonary node to terminal)	74.0	73.2		
*6. LEAF: Upper most, fully expanded leaf.				
Type: Normal, Sub Okra, Okra, Super Okra	N	N		
Pubescence: Absent, Sparse, Medium, Dense OR Trichomes/cm² (Bottom surface excluding veins)	M	M		
Nectaries: Present or Absent	P	P		
*7. STEM PUBESCENCE: Glabrous, Intermediate, Hairy	I	I		
*8. GLANDS: (Gossypol) Absent, Sparse, Normal, More Than Normal				
Leaf:	N	N		
Stem:	N	N		
Calyx Lobe: (normal is absent)	A	A		
*9. FLOWER:				
Petals: Cream, Yellow	C	C		
Pollen: Cream, Yellow	C	C		
Petal Spot: Present, Absent	A	A		
*10. SEED:				
Seed Index: (g/100 seed, fuzzy basis)	12.6	12.7		
Lint Index: (g lint/100 seeds)	10.1	10.0		

200100131

200100131

*11. BOLL	Acala BXN Nova	Acala Maxxa		
Lint Percent: X Picked ____ Pulled	41.2	41.2		
OR				
Gin Turnout: X Picked ____ Stripped	35.6	35.8		
Number of Seeds per Boll	28.0	27.7		
Grams Seed Cotton per Boll	6.5	6.6		
Number of Locules per Boll	4-5	4-5		
Boll Type: (Stormproof, Storm Resistant, Open)	Open	Open		

12. FIBER PROPERTIES:

Specify Method (HVI or other): HVI

* Length: (inches, 2.5% SL)	1.19	1.19		
* Uniformity: (%)	84.8	84.5		
* Strength, T1 (g/tex)	34.0	34.4		
* Elongation, E1 (%)	5.7	5.6		
* Micronaire:	4.27	4.33		
Fineness (Source AFIS)	170	169		
Yarn Tenacity: (cN/tex, 27 tex)				
Yarn Strength: (lbs. 22's)	149	156		

13. DISEASES: (NT = Not Tested, S = Susceptible, MS = Moderately Susceptible, MR = Moderately Resistant, R = Resistant)

____ *Alternaria macrospora*
____ Anthracnose
____ Ascochyta Blight
____ Bacterial Blight (Race 1)
____ Bacterial Blight (Race 2)
____ Bacterial Blight (Race ___)
____ Diplodia Boll Rot
____ Other (specify) _____
____ Fusarium Wilt
____ Phymatotrichum Root Rot
____ *Pythium* (specify species)
____ *Rhizoctonia solani*
____ Southwestern Cotton Rust
____ Thielayiopsis basicola
MR Verticillium Wilt

200100131

14. NEMATODES, INSECTS AND PESTS: (NT = Not Tested, S = Susceptible, MS = Moderately Susceptible, MR = Moderately Resistant, R = Resistant)

_____Root-Knot Nematode

_____Reniform Nematode

_____Boll Weevil

_____Grasshopper (specify species):_____

_____Bollworm

_____Lygus (specify species):_____

_____Cotton Aphid

_____Pink Bollworm

_____Cotton Fleahopper

_____Spider Mite (specify species):_____

_____Cotton Leafworm

_____Stink Bug (specify species):_____

_____Cutworm (specify species):_____

_____Thrips (specify species):_____

_____Fall Armyworm

_____Tobacco Bud Worm

_____Other (specify):_____

15. COMMENTS: Present any additional information that cannot adequately be described in 1 through 13 which significantly distinguishes your variety.

Acala BXN Nova was developed through a backcross breeding program with Acala Maxxa as the recurrent parent. Acala BXN Nova and Acala Maxxa are very similar, with the exception that Nova has the BXN transgenic trait for Buctril herbicide tolerance.

200100131

Exhibit D. Additional Description of Acala BXN Nova

1998 SJVCB Acala Variety Test

Characteristic	**Maxxa**	**BXN® Nova**	LSD.05	CV%
Yield				
Lint (lbs/A)	1048	1069	ns	4.9
Gin Turnout (%)	34.0	33.5	0.5	1.3
Plant Traits				
Height (inches)	39	39	ns	6.6
Boll weight (g)	5.8	6.1	ns	10.2
Vert Wilt (% def Sep 15)	17	19	ns	18.3
Maturity (% Open Oct 1)	40	40	ns	21.9
HVI Fiber Quality				
Length (inches)	1.19	1.19	ns	1.2
Uniformity (%)	84.5	84.8	ns	0.8
Strength (g/tex)	34.4	34	ns	3.1
Elongation (%)	5.6	5.7	ns	2.3
Micronaire	4.33	4.27	ns	4.1
Yarn Strength				
22's Yarn Tenacity (lbs)	156	149	3	2.3
50's Break Factor-Card	2598	2514	ns	3.6
50's Break Factor-Comb	2928	2858	61	1.8
AFIS				
Standard Fineness	180	181	ns	1.1
Fiber Fineness	169	170	ns	1.7
Maturity Ratio	0.940	0.941	ns	1.1
Micronaire	4.200	4.180	ns	2.7
Trash Content				
Short Fiber (%)	5.200	5.200	ns	9.7
Non-lint %	2.900	3.100	ns	12.8
Seed Coat Frag (per 5 g)	64	58	ns	23.9

Exhibit D. Additional Description of Acala BXN Nova

1999 SJVCB Acala Variety Test

Characteristic	**Maxxa**	**BXN® Nova**	LSD.05	CV%
Yield				
Lint (lbs/A)	1478	1494	ns	4.7
Gin Turnout (%)	35.9	35.3	0.3	1.8
Plant Traits				
Height (inches)	40	40	ns	9.7
Boll weight (g)	6.9	6.2	0.5	10.5
Vert Wilt (% def Sep 15)	23	32	5	16.7
Maturity (% Open Oct 1)	63	68	ns	16
HVI Fiber Quality				
Length (inches)	1.15	1.15	ns	1.5
Uniformity (%)	83	82.5	ns	0.8
Strength (g/tex)	33.5	33.2	ns	3.1
Elongation (%)	7.4	7.5	ns	5.9
Micronaire	3.94	4.04	ns	3.7
Yarn Strength				
22's Yarn Tenacity (lbs)	137	130	4	2.9
50's Break Factor-Card	2554	2356	57	1.9
50's Break Factor-Comb	2919	2673	55	1.6
AFIS				
Standard Fineness	180	184	1	1
Fiber Fineness	159	163	2	1.6
Maturity Ratio	0.886	0.884	ns	1.2
Micronaire	4.040	4.020	ns	3.1
Trash				
Short Fiber (%)	6.800	6.900	ns	7.6
Non-lint %	3.000	3.300	ns	14.3
Seed Coat Frag (per 5 g)	64	61	ns	20.3

200100131

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055 EXPIRES: 12-31-96

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

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California Planting Cotton Seed Distributors

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

CPCSD Acala C-181

3. VARIETY NAME

Acala BXN Nova

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*

PO Box 80357
Bakersfield, CA 93380-0357

5. TELEPHONE *(include area code)*

661-399-1400

6. FAX *(include area code)*

661-399-3169

7. PVPO NUMBER

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8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. [X] YES [ ] NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? [X] YES [ ] NO
If no, give name of country _____

10. Is the applicant the original breeder? If no, please answer the following: [X] YES [ ] NO

a. If original rights to variety were owned by individual(s):
Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

[ ] YES [ ] NO

b. If original rights to variety were owned by a company:
Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explantion on ownership *(If needed, use reverse for extra space):*

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.